

VACANT BUILDING ORDINANCE WHITE PAPER



New Mexico MainStreet
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PROBLEM

Vacant commercial buildings once housed vibrant storefront commercial businesses that at one point generated a profit. Examples of these commercial or retail uses include “five and dime” stores, offices, and restaurants. Now vacant, many of these commercial buildings are either historic, architecturally significant, or located within designated historic districts. These buildings contribute to a MainStreet’s unique character and its potential to revitalize. The challenge for potential property developers is that these vacant commercial buildings, which were once banks, hotels, department stores, churches, and theaters, may be costly to adapt, rehabilitate and repurpose for other uses.

When commercial buildings stay vacant, their declining status leads to blight, discourages economic development, diminishes property values, and can act as fire hazards and magnets for crime. Some vacant commercial property owners use their buildings for storage, in the same way a residential neighbor might use their broken car or RV for storage. In many cases, the building is “under-utilized,” in that it does not economically perform as a commercial structure would in generating income for the business/property owner and gross receipts tax (GRT) for the local government .

4 *“Blight has a negative effect on surrounding property values, which not only hurts adjacent property owners but reduces local property tax revenue.”*

Rich Williams
Co-Director of New Mexico MainStreet

Unmaintained vacant commercial buildings in New Mexico MainStreets’ commercial corridors create a negative and unwelcoming impression. Property owners of vacant commercial buildings and properties need to be held accountable for maintaining their buildings and properties, however motivating them to either lease their spaces or seek buyers to purchase their buildings is a complicated challenge for municipalities. Additionally,

many property owners live outside the community, or even in other states. Some property owners may also purposely maintain the vacant status of their buildings by inflating the lease rates beyond what the market can support to report lost revenue and decrease their personal tax liabilities.

Properties that are vacant over time become the victims of deferred maintenance, leading to problems with the building’s roof, foundation, electrical, plumbing, and HVAC systems. Under such conditions, buildings become dilapidated and irreparable and can be declared a public nuisance, or even demolished, further burdening taxpayers with the demolition and vacant lot remediation costs. In fact, “vacant lots can remain undeveloped for decades.”¹ Local governments are forced to prioritize whether to undertake the costs associated with removal of these abandoned buildings, and remediation of derelict properties or providing for the community’s basic needs, such as sanitation, water, street repairs, fire and police protection.

Without oversight from local governments in partnership with a local revitalization organization,

¹ Rich Williams, Co-Director of New Mexico MainStreet

vacant buildings and properties' diminish economic opportunities and can affect a community's economic health and opportunity, safety, and general welfare.

NEED AND CHALLENGES

Local governments have options when it comes to motivating property owners to “do something” with their vacant buildings. Numerous municipalities throughout the United States have implemented ordinances² that require owners to register their vacant buildings and properties as well as maintain them.³ The primary objective of a “vacant building ordinance” is to control the proliferation of vacant buildings and lots. Protection of a community's health, safety, and welfare provide the legal defense for local municipalities to enact strong anti-neglect ordinances. Passing such ordinances, however, requires dedicated resources for both pulling stakeholders together to create the ordinance and then redirecting staff time or adding additional staff to enforce it.

According to Sheila Hudman, Clerk/Treasurer of the Village of Santa Clara, approval of the Santa Clara's vacant building ordinance required eight public meetings and overall took considerable time to pass. The village wanted to include a hardship exemption in the ordinance to appease public resistance. Community members were concerned that elderly property owners of vacant buildings would be unnecessarily penalized. Despite this intent, the village did not include the exemption in the final approved ordinance.

Most municipalities with ordinances regulate all vacant properties, including residential, commercial, and industrial buildings. Only a small number of municipalities have focused their regulatory remedies on explicitly reducing the number of vacant commercial buildings. The City of Albuquerque's proposed “Vacant Commercial Building Ordinance”⁴ would have adopted a new article in the city's zoning code, requiring all vacant commercial property owners to register their properties, and apply minimum aesthetic standards.⁵ Boarded-up windows and doors would only be allowed for up to 180 days. Owners that violated the ordinance would be subject to a daily \$500 fine and other penalties. Vacant commercial properties that remained unmaintained within a year would be subject to demolition. City staff raised concerns regarding enforcement (hiring new personnel) and material costs (estimated at \$900,000 for demolitions). The outcry from the real estate industry led to the proposed ordinance never making it to a vote before the city council, and it died on expiration.

Instead of the proposed ordinance, the Albuquerque City Council approved the “Dilapidated Commercial Buildings and Properties Pilot Project”⁶ in late 2017. Since July 2018, the City had

2 Despite the risk of lawsuits from real estate lobbyists and private commercial property owners.

3 See Appendix B, Sample Vacant Building/Property Registration Form

4 O-16-11, sponsored by City Councilors Pat Davis (District 6) and Don Harris (District 9) was proposed in early 2017. The bill's sponsors wanted to deter the proliferation of vacant buildings that were deteriorating, becoming blighted, and negatively affecting surrounding properties and property values.

5 Removal of weeds and trash, posting “no trespassing” signs, fixing holes in exterior walls, and cleaning up graffiti.

6 The pilot project regulated dilapidated commercial buildings and properties in District 6 (Albuquerque's Southeast Heights, including UNM, Nob Hill, and the International District) and District 9 (the far Southeast Heights and Foothills). District 2 which covers Downtown and Barelas was not included in the pilot.

identified 30 dilapidated commercial structures, issued warnings, and attempted to negotiate solutions with property owners. The city issued 60-day notices to property owners that failed to respond to the warnings. If the property owner failed to take action after the issuance of the warning, the city attorney had the authority to file a complaint in district court and issue penalties as high as \$500 a day. The city allocated \$425,000 for the pilot's annual budget, which included \$300,000 for securing or demolishing neglected structures.

Despite the pilot program's success in targeting vacant commercial buildings in the two districts, the city council instead chose to amend the city's Uniform Housing Code with its "Vacant Building Maintenance" ordinance.⁷ Under this version of the ordinance, owners of any vacant building must obtain a vacant building maintenance license and arrange an inspection with Albuquerque Code Enforcement to ensure the building is secure, structurally safe, free from nuisance, and in good order. If repairs or upkeep are needed, the building owner has 45 days to bring their building into compliance. While the ordinance requires the maintenance and upkeep of all vacant structures, it does allow buildings to remain empty as long as they are maintained and licensed.

Enforcement of a vacant building ordinance is another challenge municipalities face. The Town of Silver City, NM has deemed its "Regulation of Unattended Vacant Buildings Ordinance"⁸ as "unenforceable." The ordinance requires vacant buildings owners, within its historic downtown district, to register their properties with the town, secure their buildings' openings (windows and doors), and remove weeds, trash, and graffiti. Some of the ordinance's shortcomings include:

- No requirement for out of town owners to assign a local agent;
- No section on either "appearance standards" or "external appearance" which would require owners to paint, maintain landscaping, and weatherproof their buildings;⁹
- No provision allowing the town manager to determine whether the vacant building is "detrimental to property values or the character of the neighborhood."¹⁰

Vacant building ordinances should be structured to discourage property owners from continually maintaining their buildings as vacant. The Silver City ordinance's fee schedule is relatively low with only a \$35 deposit required for the building's initial inspection, and a penalty fee of only \$100 for failing to register their vacant building or property. Finally, it is the owner's responsibility to register their property and file status reports every 30 days, without the town's enforcement.

It is not only small towns like Silver City that struggle to enact an enforceable ordinance, but even a large city/county like San Francisco is challenged with how to deter the proliferation of vacant buildings and properties. In 2009 San Francisco adopted its first Vacant or Abandoned Building

7 Enacted in December 2018

8 Enacted in in October 2012

9 Village of Santa Clara's "Registration, and Maintenance of Neglected Vacant Residential and Commercial Structures" ordinance

10 "Vacant building maintenance license; maintenance standards for vacant buildings", City of Tucumcari, NM and City of Las Vegas, NM

Ordinance (VABO)¹¹. The law required owners to register their vacant or abandoned buildings, pay registration fees, secure their properties to deny access to would-be trespassers, and provide proof of liability insurance coverage. VABO initially exempted buildings with a vacant commercial storefront and an occupied second floor from the ordinance. The city/county amended the ordinance in 2014 to remove this loophole, resulting in any property containing vacant or abandoned commercial storefronts to comply with the following:¹²

- Rent their retail or office storefronts to tenants who occupy the premises in compliance with all state and local laws; or
- Pay a fee of \$765.00 to include their commercial storefronts in the Registry of Vacant or Abandoned Commercial Storefronts.¹³

The amended ordinance allowed owners of commercial storefronts to demonstrate that they were making a good faith effort to rent, lease, or sell their commercial storefronts, or obtain a building permit to bring their commercial storefronts into compliance with the law. This exemption inadvertently created another loophole for property owners, who would perpetually place a “for lease” sign in their building’s storefront and/or list the property’s availability online. As of March 2019, the Board of Supervisors is once again amending the VABO with the following requirements:

- Required registration of a vacant or abandoned commercial storefront, regardless of whether it is actively being offered for rent or lease;
- Payment of the annual registration fee, with a refund up to one half for storefronts occupied before their registration’s expiration;
- Annual registration renewal must include an inspection report from a licensed professional (at the owner’s expense) verifying the storefront remains in compliance with the VABO’s maintenance requirements;
- A penalty fee for failure to register a vacant commercial storefront equal to four times the annual registration fee (\$3,060).

These amendments are intended to create an enforceable ordinance that will reduce the number of vacant storefronts throughout San Francisco’s numerous commercial corridors.¹⁴

SOLUTIONS: REGISTRATION, TRACKING, AND PENALTIES

The two municipalities highlighted below have both sought to reduce the number of vacant buildings

¹¹ Building Code Section 103A.4 et. seq.,

¹² Within 270 days of their commercial storefronts becoming vacant or abandoned

¹³ This fee shall be assessed on an annual basis for each year that a commercial storefront remains vacant or abandoned.

¹⁴ Changes in San Francisco’s retail environment may also contribute to the ongoing vacancies, including: “the internet, rapidly changing consumer habits, code issues, e.g., Formal Retail restrictions, burdensome regulatory requirements on both the building owner and the possible tenants that lease space,” John Bozeman, Building Owners and Managers Association of San Francisco

in their jurisdictions through their regulatory powers. Willits, CA and the Village of Santa Clara, NM are small cities¹⁵ founded during the same period (the 1860s). In 2018, the City of Willits enacted an ordinance which penalizes vacant commercial building owners who both ignore the upkeep of their properties as well as delay the sale or lease of these properties. The Village of Santa Clara, in Grants County, New Mexico enacted its “Registration, and Maintenance of Neglected Vacant Residential and Commercial Structures” ordinance in September 2016.¹⁶

Santa Clara’s ordinance ensures the “*appropriate maintenance of vacant residential and commercial structures so that unsanitary conditions, unsafe deterioration, and unauthorized entry will be prevented and do not become a public nuisance.*” The village started to enforce the ordinance in the downtown district, then phased in its enforcement throughout the entire village. Specific provisions of the Santa Clara ordinance include:

- Certification from either the Village Police Chief or the Fire Chief that the property is a “neglected vacant structure;”¹⁷
- Notification to the property owner of their responsibility to register their vacant building within thirty days¹⁸ and initiate repairs to minimize the appearance of neglect, and secure their structure from unauthorized entry.

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As long as the vacant building is registered, maintained, and secured, the owner has met the intent of the ordinance and the Village of Santa Clara will consider waiving ongoing registration fees. Property owners that fail to register their buildings could face court imposed fines.¹⁹ Continuous neglect of a structure may also lead to the village declaring the neglected vacant structure a *public nuisance*.²⁰ Legally, the village has the power to place liens on properties and enact foreclosures, but officials contend that they prefer to work out an improvement plan with property owners and avoid legal actions. Since the ordinance’s approval, several property owners have fixed up their buildings and in some cases rented them. Moreover, because Santa Clara’s ordinance also regulates fire damaged vacant buildings, four property owners have demolished their structures.

The Willits “Vacant Commercial Building Ordinance,” focuses solely on vacant commercial properties, and goes beyond requiring property owners to maintain and secure their buildings through the following two provisions:

- “Out of area” commercial property owners²¹ are required to hire a property manager;

15 Both Willits (population 4875) and Santa Clara (population 1800) have seen a continual decrease in their populations since the 2000 census (4% and 7% respectively).

16 An amendment to their existing Health, Sanitation, and Environment Code (Title 4).

17 Defined by the ordinance as a structure or building (including a mobile home) that is vacant and not maintained.

18 The annual registration fee of \$300 is prorated and can be paid in installments of \$25/month. As long as the premises continue to be designated as a “neglected vacant structure”, the fee will continue and will increase each calendar year an additional \$100, for a maximum fee of \$500 annually.

19 Court imposed penalties could include a maximum fine of \$500 or ninety days imprisonment.

20 Such a declaration occurs when the owner fails to maintain their vacant structure in accordance with the State of NM sanitary codes, building codes, and fire codes.

21 A vacant commercial building owner who lives more than 50 miles from Willits.

- All owners must prove to the city that they are actively offering their buildings for sale, lease, or rent.

While these requirements are meant to counteract a property owner's practice of maintaining the empty status of the building, proving to the city that vacant buildings are "actively being offered for sale, lease, or rent" may allow too many owners to maintain their properties as vacant, as was the case in San Francisco. Another loophole that the Willits ordinance may have created rests in making the property owner responsible for registering their buildings after 90 days of vacancy. In comparison, Santa Clara's ordinance requires a certification of the building's status from the police or fire chief.

Finally a best practice that both Willits and Santa Clara have undertaken is the offsetting of the costs to enforce their respective ordinances through the collection of registration and penalty fees. And both municipalities also require property owners to secure their buildings against squatters and maintain their physical condition. For a detailed comparison of the Santa Clara and Willits ordinances, see Appendix A.

PROGRESSIVE FEES FOR VACANT COMMERCIAL PROPERTIES

The City of Tucumcari's "Vacant building maintenance license; maintenance standards for vacant buildings"²² requires vacant property owners that do not live or work in Quay County to designate a local authorized agent as part of the licensing process. The local agent becomes responsible for receiving and acting upon all notices related to code violations and court proceedings affecting the vacant building. The Tucumcari ordinance also requires vacant building owners to obtain a certificate of insurance for commercial liability. The City of Las Vegas, NM also passed a "Vacant buildings maintenance license; maintenance standards for vacant buildings" ordinance (Chapter 148-5) that except for the fee schedule is almost identical to the Tucumcari ordinance. The fees for licensing and renewals of vacant commercial buildings in Las Vegas are considerably less, in comparison to Tucumcari:

Vacant Commercial Building License Fees	City of Tucumcari	City of Las Vegas
Processing	\$50	\$50
License	\$350	\$300
First Year Renewal	\$500	\$150
Subsequent Renewals	\$1000	\$150

Whereas the license and registration fees for vacant residential buildings are considerably less in both municipalities:

Vacant Residential Building License Fees	City of Tucumcari	City of Las Vegas
Processing	\$25	\$25
License	\$200	\$150
First Year and Subsequent Renewals	\$200	\$150

Both Tucumcari and Las Vegas state that multiple year renewals of the vacant building maintenance license are discouraged with few exceptions.²³ The City of Tucumcari's progressive renewal fee for licensing vacant commercial buildings starts at \$500 for the first year and then doubles to \$1000 for subsequent renewals. These fees are substantial and can significantly increase a property owner's costs of maintaining their commercial property as vacant.

METROPOLITAN REDEVELOPMENT AREA (MRA)

The recently updated Metropolitan Redevelopment Area Plan of Las Vegas, NM (2018) addresses the city's concern about its vacant, abandoned and unsafe buildings within its downtown and MRA. The plan inventories vacant lots and buildings and encourages property owners to maintain, rehabilitate and occupy their buildings for productive purposes. The plan recommends that the city establish the following incentives and disincentives:

- Establish a "Clean & Lien" ordinance;²⁴
- Require annual inspections of vacant buildings;
- Identify funding sources for property owners to rehabilitate buildings;
- Connect property owners with nonprofit organizations, entrepreneurs, and other potential tenants;
- Research methods to streamline or fast-track the permitting process for restoring vacant historic properties;
- Prioritize adaptive reuse over demolition when possible.

TAX ASSESSMENT

The State of New Mexico's Property Tax Code does not allow jurisdictions to assess vacant properties to penalize abandonment.²⁵ ²⁶ States that enable municipalities to assess an additional tax on a vacant property²⁷ generally work well in areas with high land values.²⁸ An additional tax increases a

²³ Exceptions to multiple year renewals include: historical buildings, landmarks, buildings in redevelopment areas, and other properties that are subject to unique factors or conditions that require special consideration.

²⁴ Would provide the city with the legal remedy to demolish unsafe buildings in the MRA and encourage new private construction to replace demolished buildings.

²⁵ Information is from Randy Kincaid, Assessor and Mark Willard, Chief Appraiser of Chaves County via NM Counties Listserv

²⁶ "County assessors neither impose nor collect taxes. Assessors only value property that may be subject to property tax. Property taxes are collected by the county treasurer and taxes are imposed by numerous taxing entities, such as municipalities, counties, schools, universities/colleges, the state, water districts, etc. So, if a county or municipality can legally impose a property tax on vacant property, that additional tax will appear on the tax rolls sent to treasurer who, in turn, will send the tax bill to the property owner." (Ken Milder, Los Alamos County Assessor via NM Counties Listserv)

²⁷ Ball Ground, GA and San Francisco, CA are considering the use of tax assessments on vacant buildings.

²⁸ In Washington, D.C. and Pittsburgh, "land value tax" assessments on vacant properties are used to improve blight areas and raise revenue.

landowner's cost of holding on to an unused property and can motivate an owner to either develop or sell their properties. Some municipalities tax land and structures separately.²⁹ In Pittsburgh, a land value tax only applies to vacant properties within the city's Business Improvement District (BID).³⁰ In Oakland, voters approved the state's first tax on privately owned vacant properties in November 2018.³¹ The City of Oakland estimates that the parcel tax³² could raise as much as \$10 million annually for homeless services, blight remediation, and new affordable housing.³³ ³⁴ Nonprofits and low-income owners are exempt from the tax, as well as others who can prove financial hardship. The measure also exempts owners who can demonstrate that specific circumstances prevent the use or development of their land.

CASE STUDIES

The following examples of public-private partnerships, inter-agency coordination, and technological innovations are helping municipalities to register and track vacant properties:

- The Downtown Memphis Anti-Neglect Initiative³⁵ requires an owner to either improve, rent, or sell a vacant property, otherwise the court can take possession and appoint a third party receiver to handle the property. Once the City of Memphis identifies a high-priority property, the Downtown Memphis Commission (DMC)³⁶, initiates a development plan in coordination with the property owner. If conditions do not improve over four years, the City of Memphis files a nuisance lawsuit against the neglectful property owner.
- In 2014 New Orleans' Mayor Mitch Landrieu streamlined the process for remediating blighted properties by implementing a new computerized system to track code enforcement and permitting. To coordinate the blight-reduction efforts of various city agencies, the Landrieu administration created "BlightSTAT," a process in which representatives from the Department of Code Enforcement, the Office of Community Development, the Office of Information Technology and Innovation, the Law Department, and the New Orleans Redevelopment Authority meet to set goals and report on progress.
- The Unified Government of Wyandotte County and Kansas City, Kansas worked in

1:

29 According to the Lincoln Institute of Land Policy, administering such a system can be difficult to implement.

30 The taxing of vacant properties has led to many owners not paying their taxes and letting the city seize their property. Use of a land bank would allow the municipality to acquire vacant properties and then work with developers (for-profit and nonprofit) to develop the properties for uses such as affordable housing or green spaces (<https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2017/03/07/can-extra-taxes-on-vacant-land-cure-city-blight>)

31 <https://www.sfchronicle.com/business/networth/article/Oakland-s-vacant-property-tax-takes-effect-13563273.php>

32 The parcel tax is a flat amount since California law does not allow cities to tie a parcel tax to market values.

33 <http://www.cpradio.org/122091>

34 Owners of properties in use fewer than 50 days per year are taxed \$6,000 per parcel annually.

35 The Downtown Memphis Anti-Neglect Initiative developed and implemented the Tennessee Neighborhood Preservation Act. The Initiative's mission is to eliminate blight, improve or stabilize long-term neglected properties, and/or move owners of problem downtown vacant properties towards proper maintenance and full use or eventually demolition or sale.

36 A local public-private partnership

partnership to implement an online registry³⁷ to track negligent property owners and their vacant properties. Previously, Wyandotte County would send code enforcement to investigate complaints and issue orders to secure properties. Under the new registry guidelines, vacant property owners are required to register their properties, pay a \$200 registration fee³⁸, and submit a detailed plan for improving the property.³⁹ Owners that do not improve their buildings risk having the properties declared a public nuisance and possibly even condemned through the courts. Condemned properties either get sold at a public auction or transferred to Kansas City's land bank. If a property has too many structural issues, the city will demolish it. In 2017 the Kansas legislature introduced a bill that that would have improved the process for local governments and nonprofits to obtain abandoned properties. The bill died in committee in early 2018.⁴⁰

CONCLUSION AND RECOMMENDATIONS

Most of New Mexico MainStreet's commercial corridors contain vacant and abandoned commercial properties. Owners that neglect their properties place stress on the communities where they are located and deter downtown revitalization efforts. Several Mayors across the state have expressed interest in addressing vacant property issues. Enacting and implementing an effective vacant commercial building ordinance can help local governments and MainStreet organizations halt and reverse the negative impacts of vacant and abandoned buildings.

12

For a municipality to create an effective and enforceable vacant building ordinance, the following provisions should be included:

1. Enforced registration of vacant buildings through interagency coordination;
2. Required annual inspections of vacant buildings;
3. Maintain a registry of vacant buildings;
4. Include minimum aesthetic requirements;
5. Negotiate with property owners to provide an improvement plan before assessing penalty fees or taking action through the court system;
6. Require out of town owners to assign a local agent;
7. Penalty and registration renewal fees should be progressive and increase over time;
8. Owners need to provide proof of liability insurance upon registration;

37 PROCHAMPS partners with communities to combat neighborhood blight through property registration. <https://prochamps.com/HomePage.aspx?CommunityId=0>

38 The fee is split between Wyandotte County and the on-line registry provider, ProChamps.

39 The registry is part of Kansas City's SOAR program (Stabilization, Occupation and Revitalization), a five-year plan to address blighted residential buildings.

40 <https://www.kshb.com/news/local-news/kansas-city-kansas-rolling-out-new-registry-to-track-down-negligent-property-owners>

9. Phase in implementation of the ordinance, starting with the MainStreet district or principal downtown corridors.

Finally, aside from distributing this white paper to MainStreet organizations and local government officials, New Mexico MainStreet will assist in promoting the implementation of vacant building ordinances through the following activities:

- Presentations, in coordination with the almost 30 affiliated MainStreet districts, at both the local level and at the following annual conferences: New Mexico Municipal League, New Mexico Infrastructure Finance, and New Mexico Association of Counties;
- Convening a working group of local leaders, in coordination with New Mexico MainStreet/Economic Development Department, to develop policy recommendations to address the issue better.

Appendix A

Vacant Building Ordinances - Comparison

Vacant Building Ordinances - Comparison	Willits, CA (Mendocino County)	Village of Santa Clara, NM (Grant County)
1. Title	Vacant Commercial Building Ordinance	Registration & Maintenance of Neglected Vacant Residential & Commercial Buildings
2. Purpose	Abandoned and vacant buildings contribute to blight, discourage economic development and diminish property values, attract criminal activity, and create fire hazards. It is the responsibility of property owners to prevent buildings from becoming a burden and a threat to public health, safety, and welfare. Vacant buildings result in increased expenditures for police, fire, and code enforcement inspections. Maintenance of the public health, safety, and welfare require the City to maintain accurate registration of all vacant commercial buildings.	To help protect the health and safety of the of the Village of Santa Clara residents by ensuring appropriate maintenance of vacant residential & commercial structures so that unsanitary conditions, unsafe deterioration, and unauthorized entry will be prevented and do not become a public nuisance. This ordinance will promote the Village's public welfare by preventing blight, protecting property values, and ensuring neighborhood integrity and safety.
3. Definitions: <i>The Willits ordinance solely regulates vacant commercial buildings and has special provisions for out of the area owners (those that reside in excess of 50 miles from their property for at least six months a year). The Village of Santa Clara ordinance regulates <u>all</u> vacant buildings and properties.</i>	<ul style="list-style-type: none"> -Commercial building -Commercial unit -Secured -Out of area -Unsecured -Vacant commercial building 	<ul style="list-style-type: none"> -Lot -Neglected vacant structure -Occupancy -Owner -Registration -Structure -Vacant Structure
4. Requirements <ul style="list-style-type: none"> ✓ Registration & Fees: Both ordinances will waive registration fees once the building meets certain standards. The Willits ordinance goes further in that it requires owners to prove that their building is actively being offered for sale, lease, or rent. 	After 90 days from when a commercial building becomes vacant, the property owner must register it; A city council resolution determines the registration fee; The registration payment deadline will serve as the date for calculating the annual renewal fee. Owners shall not have to pay the annual renewal fee if their building(s) meet all codes, do not contribute to blight, are being	After the Police or Fire Chief certifies that a building or structure is vacant and neglected, the Village Clerk then notifies the owner by certified mail, return receipt of the neglect determination and the property owner's responsibility to register the structure with thirty calendar days. The property owner is also assessed an annual fee of \$300. The fee is prorated and can be made in monthly installments of \$25/month. As long as the premises

Appendix A

Vacant Building Ordinances - Comparison

	Willits, CA (Mendocino County)	Village of Santa Clara, NM (Grant County)
	maintained and monitored, and can prove that building is actively being offered for sale, lease, or rent. Fees collected will offset the costs associated with administration, inspection, and enforcement of the ordinance.	continue to designated as a "neglected vacant structure", the fee will continue to be assessed and will increase each calendar year an additional \$100, for a maximum fee of \$500 annually. Once the property owner improves the building, as per the ordinance standards, then a fee is no longer assessed. And if a property owner can demonstrate that they are improving the building, the fee may also be waived. Fees collected thus far are used to enforce the ordinance.
<p>✓ Maintenance, Security, & Appearance</p> <p><i>Both ordinances are similar but the Willits requirement of removing signage from the previous business could detract from the historical value of a building. The Village of Santa Clara's ordinance requirement of weatherproofing the roof can help to maintain the integrity of a vacant building and its investment potential.</i></p>	<p>Property shall be maintained accordingly:</p> <ul style="list-style-type: none"> -Free of weeds, dry brush, dead vegetation, trash, junk, debris, and excessive foliage growth; -Free of any building materials, accumulated newspapers, circulars, flyers, notices (except those required by federal, state or local law); discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material; -Free of graffiti or tagging by removal or painting over with an exterior paint that matches the color of the structure's exterior. <p>Exterior shall be cleared of any advertisement or signage of previous businesses.</p> <p>All doors, gates, windows or other openings must be secured to prevent further decline of the building's condition or appearance.</p>	<p>A building owner's maintenance responsibilities include:</p> <ul style="list-style-type: none"> -Securing the structure from illegal entry, including covering and/or repairing all broken windows, doors, and other openings; -All boards or covering must be fitted and sized to the exterior opening; -Providing at least one operable door, secured with a lock; -Securing and maintaining the lot where the building is located, including removal of all combustible materials, litter, debris, and garbage; -Removing graffiti and promptly repairing damage from intrusions into the building; -Applying paint, siding, stucco or other finishes in the same color to all exterior surfaces; -Ensuring the roof is of sufficient construction to weatherproof the building.
<p>✓ Signage</p>	<p>A vacant commercial building shall be posted with the name and contact phone number of the owner, realtor or local property management company that must be retained by an out-of-area owner. The posting shall state "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL."</p>	

Appendix A

Vacant Building Ordinances - Comparison	Willits, CA (Mendocino County)	Village of Santa Clara, NM (Grant County)
✓ Annual Inspection	Upon the request of the city building official, an owner shall provide access to all interior portions of any vacant commercial building or suspected vacant commercial building to permit a complete annual inspection.	
✓ Owner Inspection	The owner(s) or their local property manager shall inspect the vacant commercial building monthly basis to determine if the building is in compliance; if a notification of noncompliance is reported, the property shall be brought into compliance within 5 days.	
5. Public Nuisance Declaration	Violation of the registration, inspection, maintenance and security requirements could constitute a public nuisance and be subject to abatement proceedings	
6. Destruction of Structure		Structures vacated as a result of a fire or act of nature shall be secured with fencing & "No Trespass" signs, cleared of litter and debris; and either demolish remaining parts of structure or show proof of state permits for rebuilding the partially destroyed structure.
7. Penalties <i>The Willits ordinance requires the property owner to improve the building to its highest and best use so that it is either lease ready or saleable. Santa Clara's ordinance emphasizes maintenance, security, and appearance of a building.</i>	If at the time of the 2 nd annual visit by the code compliance officer the registered vacant commercial building is still in a "continuous, vacant condition", an administrative penalty of \$500 may be imposed. If the owner's building remains vacant 180 days after the 1 st administrative penalty, then a 2 nd penalty may be imposed not to exceed \$3,000.	Fail to register, pay the requisite fee and to allow a vacant structure to maintain a condition defined as a "neglected vacant structure" could result in a court imposed fine of not more than \$500 or ninety days imprisonment. The Village also has the power to place liens properties and enact foreclosures.

Appendix B



Community Development Department
66 Meador Avenue • Painesville, Ohio 44077
• (440) 392-5931

Template 1

Appendix 2: Templates

VACANT PROPERTY/BUILDING REGISTRATION FORM

All vacant properties/buildings must register with the City of Painesville Community Development Department in accordance with the Vacant Building Registration Ordinance – Section 1377 of the Painesville Codified Ordinance. Please complete this form for each vacant property address. Temporary exemptions for disaster-affected properties, structures actively under construction, properties listed with a licensed realtor in the State of Ohio, or a vacant property that is being marketed for rent may be approved upon written request.

Section I: Address/es of Vacant Property/Building (Required)

Street Address/es: _____

Section II: Property Owner Information (Required)

(No P.O. Boxes are permitted; must provide a building address.)

If Individual Owner or Designated Agent, please complete the following:

Property Owner's Name: _____
Owner's Address: _____
City: _____ State: _____ Zip Code: _____
Designated Agent or Contact Person: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Number: _____ Fax Number: _____
E-Mail Address: _____

If Partnership, Corporation, Trust or Other, please complete the following:

(Please use the supplemental form to list each additional partner, officer, or trustee.)

Tax ID Number of Partnership or Corporation: _____
Name of Partnership or Corporation: _____
Contact Person: _____ Title: _____
Title: _____
Designated Agent or Contact Person: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Telephone Number: _____ Fax Number: _____
E-Mail Address: _____



Community Development Department
 66 Mentor Avenue • Painesville, Ohio 44077
 • (440) 392-5931

Section III: Vacant Building Plan (Required)

I hereby submit a plan of (*Please Circle*): Demolition | Secure Vacancy | Rehabilitation:

Section IV: Proof of Insurance (Required)

If submitting a plan of demolition, please also provide proof of holding in escrow with the City of Painesville the amount of \$10,000 for a residential property or \$75,000 for a commercial property. Escrow funds will be released upon completion of the submitted plan. Use additional paper to outline further details pertaining to your plan.

Escrow for Demolition: Yes _____ No _____

Section V: Fees (Required)

Please make checks payable to **City of Painesville**. The vacant property registration payment included with this form pertains to the current year of vacancy and is (*Please Circle*):

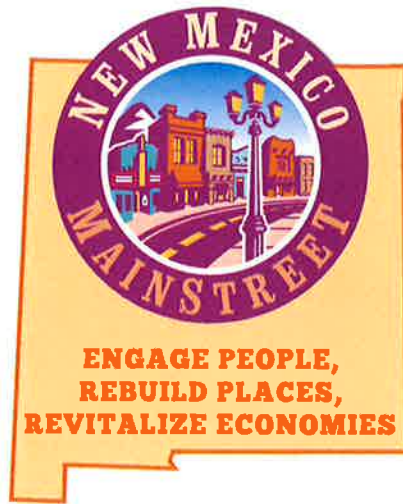
Residential: \$200-1st yr | \$400-2nd yr | \$800-3rd yr | \$1,600-4th yr | \$3,200-5th yr or later
Commercial: \$400-1st yr | \$800-2nd yr | \$1600-3rd yr | \$3,200-4th yr | \$6,400-5th yr or later

I, _____, hereby request to register the vacant property/building listed above and acknowledge that the information above is complete and accurate. I have read and understand Ordinance 11-11 for owning a vacant property in the City of Painesville and agree to comply with these requirements. In accordance with this Ordinance, I agree to notify any future owner of this vacant building registration.

Applicant's Signature **Date**

Subscribed and duly sworn before me according to the law, by the above named applicant this day _____ in the City of _____.

Notary Signature: _____



New Mexico MainStreet
Economic Development Department
Joseph M. Montoya Building
1100 South St. Francis Dr.
Santa Fe, NM 87505-4147
505-827-0168
www.nmmainstreet.org



NEW MEXICO MAINSTREET